



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

DOT-E 7991  
(FIFTH REVISION)

**AUG 16 2001**

EXPIRATION DATE: April 30, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Union Pacific Railroad Company  
Omaha, Nebraska  
  
(See Appendix A to this document for a list of additional grantees)
2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of flagging kits of specified construction, containing certain Class 1.4 and 4.1 materials, not subject to the Hazardous Materials Regulations (HMR) except as specifically stated herein.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 171-180 except as specified herein.
5. BASIS: This exemption is based on Union Pacific Railroad Company's application of June 28, 2001 submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/<br>Hazardous Materials Description | Hazard<br>Class/<br>Division | Identi-<br>fication<br>Number | Packing<br>Group |
|--|------------------------------|-------------------------------|------------------|
| Articles, pyrotechnic                                    | 1.4G                         | UN0431                        | II               |
| Fusee (railway or highway)                               | 4.1                          | UN1325                        | II               |
| Signal devices, hand                                     | 1.4S                         | UN0373                        | II               |
| Signal devices, hand                                     | 1.4G                         | UN0191                        | II               |
| Signals, railway track,<br>explosive                     | 1.4S                         | UN0193                        | II               |

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7. SAFETY CONTROL MEASURES:

a. Packagings authorized are:

(1) A flagging kit consisting of a two compartment container constructed of 24 gauge galvanized steel. Each compartment must be equipped with a cover and latching device. Each packaging may contain a maximum of 12 Fusees and 36 railway torpedoes.

(2) A flagging kit identified in the applicant's request as PPSC #50056-2, PPSC #50026-18. Each packaging may contain a maximum quantity of 12 fusees and 36 railway torpedoes.

(3) A flagging kit constructed in accordance with Consolidated Rail Corporations drawing D-49053-B. Each packaging may contain a maximum of 36 fusees and 36 railway torpedoes.

b. Compartments for railway torpedoes must be equipped with a spring loaded positive locking device. Each compartment may contain only one type of device.

8. SPECIAL PROVISIONS:

a. Packagings may be transported only on Maintenance-of-way vehicles or other railroad motor vehicles such as Car Department, Signal Maintainers, or Operating Department motor vehicles, including privately owned motor vehicles under the direct control of on-duty railroad employees.

b. No more than 6 flagging kits may be transported at any one time on any motor vehicle.

c. All materials described in paragraph 6 must be kept in closed flagging kits whenever they are not being used on the railroad right-of-way. Personnel may not open the flagging kits during such time as they are driving the vehicle or when it is located on other than railroad property.

d. When flagging kits are left in unattended motor vehicles on non-railroad property they must be locked, locked inside the vehicle, or stored in a locked compartment on the motor vehicle.

e. A current copy of this exemption must be kept on file and be made available to any state and/or local agency that requests a copy.

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9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Section 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



*ra* Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

AUG 16 2001  
(DATE)

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

| Company Name<br>City/State  | Application<br>Date | Issue<br>Date   | Expiration<br>Date |
|---|---------------------|-----------------|--------------------|
| Burlington Northern and<br>Santa Fe Railway, Co.<br>Topeka, KS  | Apr 17,<br>2001     | May 4,<br>2001  | Apr 30,<br>2003    |
| Cedar River Railroad<br>Waterloo, IA  | Jun 21,<br>2001     | Jun 28,<br>2001 | Apr 30,<br>2003    |
| Chicago Central &<br>Pacific Railroad Co.<br>Waterloo, IA   | Jun 22,<br>2001     | Jun 28,<br>2001 | Apr 30,<br>2003    |
| Consolidated Rail<br>Corporation<br>Philadelphia, Pa  | Jun 1, 2001         | Jun 7,<br>2001  | Apr 30,<br>2003    |
| CSX Transportation, Inc.<br>Jacksonville, FL  | Jun 14,<br>2001     | Jun 25,<br>2001 | Apr 30,<br>2003    |
| Duluth, Winnipeg and<br>Pacific Railway<br>Superior, WI   | Jun 25,<br>2001     | Jul 12,<br>2001 | Apr 30,<br>2003    |
| I & M Rail Link, LLC<br>Davenport, IA   | Jun 25,<br>2001     | Jul 12,<br>2001 | Apr 30,<br>2003    |
| Illinois Central<br>Railroad<br>Chicago, IL<br>(Former grantee:<br>Illinois Central Gulf<br>Railroad Co.) | Jun 21,<br>2001     | Jun 28,<br>2001 | Apr 30,<br>2003    |
| Metro-North Commuter<br>Railroad Co.<br>New York, NY  | Jul 20,<br>2001     | Aug 2,<br>2001  | Apr 30,<br>2003    |
| Montana Rail Link, Inc.<br>Missoula, MT   | Jul 31,<br>2001     | Jul 26,<br>2001 | Apr 30,<br>2003    |
| Norfolk Southern<br>Corporation<br>Roanoke, VA  | May 21,<br>2001     | Jun 7,<br>2001  | Apr 30,<br>2003    |

| Company Name<br>City/State              | Application<br>Date | Issue<br>Date | Expiration<br>Date |
|---|---------------------|---------------|--------------------|
| Wisconsin Central, Ltd.<br>Rosemont, IL | Aug 28,<br>2001     | SEP 14 2001   | Apr 30,<br>2003    |

*Ann Mazzullo*

for Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety